



WEB COPY



W.P.No.44702 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.44702 of 2016

And

W.M.P.No.38537 of 2016

P.Ramesh

... Petitioner

Vs.

1.The Thasildar
Omalur Taluk,
Salem District.

2.The Sub-Collector,
Mettur,
Salem District.

3.The Collector,
Salem District.

4.Palanisamy

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent in proceedings bearing Mu.Mu.No.2824/2015/A dated 31.10.2016 pertaining to the cancellation of Patta in respect of the lands comprised in Survey No.150/9C, 150/10A, 150/10B



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150/11A, 150/11C Desavilakku (North) Village Hamlet,
Tharamangalam Village, Thuttampatty Post, Omalur Taluk, Salem
District and quash the same consequently restore the Patta bearing
No.573 in the name of the petitioner.

For Petitioner : Mr.A.Palaniappan

For Respondents : Mr.U.Bharanidharan for R1 to R3
Additional Government Pleader
Mr.M.Hariharan for R4

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the second respondent in proceedings bearing Mu.Mu.No.2824/2015/A dated 31.10.2016 pertaining to the cancellation of Patta in respect of the lands comprised in Survey No.150/9C, 150/10A, 150/10B 150/11A, 150/11C Desavilakku (North) Village Hamlet, Tharamangalam Village, Thuttampatty Post, Omalur Taluk, Salem District and to quash the same, consequently to restore the patta bearing No.573 in the name of the petitioner.

2.The case of the petitioner is that one Chinnathai Ammal is the



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grand mother of the petitioner and the fourth respondent and originally patta in respect of the subject land stood in the name of Chinnathai Ammal and subsequently mutated in favour of the petitioner. Thereafter, vide impugned proceedings of the second respondent, patta granted in favour of the petitioner was cancelled at the instance of the fourth respondent and restored in the name of their grand mother. Challenging the same, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that patta was mutated in favour of the petitioner based on the recital which cannot be cancelled by the second respondent and the second respondent has no jurisdiction to decide the issue inbetween the petitioner and the fourth respondent.

4.Per contra, the learned counsel appearing for the fourth respondent submitted that earlier the petitioner filed writ petition in W.P.No.25105 of 2016 before this Court for Mandamus directing the second respondent to drop further proceedings in respect of cancellation of patta and this Court vide order dated 04.01.2021 dismissed the said writ petition with liberty to the petitioner to work



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out the remedy in the pending civil suit. If at all the petitioner has any grievance, he has to adjudicate the matter before the District Munsif Court, Omalur in O.S.No.117 of 2014 and after verdict of the concerned Court, the succeeding party may make application before the Revenue Officials for mutation of revenue records. Hence, the impugned order does not warrant any interference.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.The facts in the present case is not in dispute. Admittedly, originally the property was owned by one Chinnathai Ammal who is the grand mother of the petitioner and the fourth respondent and patta stood in the name of Chinnathai Ammal and subsequently mutated in favour of the petitioner based on some recitals. Thereafter, vide impugned proceedings of the second respondent, patta granted in favour of the petitioner was cancelled.

7.However, very same issue is pending adjudication in O.S.No.117 of 2014 before the District Munsif Court, Omalur. This



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Court rendering any opinion on the merits of the case may adversely affect the interest of the petitioner and the fourth respondent. Hence, this Court, without expressing any opinion on the merits of the case, grants liberty to the petitioner and the fourth respondent to make appropriate application before the Revenue Officials after disposal of the pending civil suit.

8. With the above observations, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

17.10.2022

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1. The Thasildar
Omalur Taluk,
Salem District.

2. The Sub-Collector,
Mettur,
Salem District.

3. The Collector,
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M.DHANDAPANI,J.
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